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VI.

OUR PENSION SYSTEM.

IN A recent issue of a journal professedly devoted to the interests of our veteran soldiers, the following editorial paragraph appeared :

"Every man's honorable discharge from the military or naval service during the war should—it must—become his only pension certificate. A man's dishonorable discharge from the service in the war should under no circumstances entitle him to a place on the pension roll."

Here are several fundamental errors.

1. The writer of the paragraph says that "every man's honorable discharge from the military or naval service during the war should—it must—become his *only* pension certificate." This is a broad declaration. It is also the assertion of a new principle in pension legislation—a principle that was never recognized by the law-making power of any government, whether ancient or modern, as the foundation of pension ratings, and which suggests a policy widely different from that in which originated our own beneficent system of pensions. To engraft now such a principle upon that system would be equivalent to the modification, if not to the unrestricted repeal, of all existing legislation on the subject. In fact, it would revolutionize the system itself. The original and true idea of governmental pensions was expressed in the act passed by the American Congress whereby pensions were first authorized and conferred by reason exclusively of "any wound or injury or disease contracted while in the service of the United States, and in the line of duty." This, in the judgment of the early statesmen, was, as it is and ought to be, the solid ground on which a pension certificate should be placed.

Pensions were graded in the beginning, as now, with reference to degrees of disability incurred in the line of duty, the nature and the extent of which were ascertained by medical examinations. Pensions rated upon degrees of disability were not intended as, in any sense, a compensation for services. Services are rendered in pursuance of a contract, apart from the patriotic spirit pervading them, and are paid for *in* the service, now, as in the past; and, excepting the commissioned officers, the title to pay and the amount of compensation alike are determined by no other consideration than length of time in the service. Pensions for disabilities and pay for services are radically different from each other. They have distinct objects, and the difference between them is an essential one. The wounds, or injuries, and the diseases which soldiers incur in the line of duty are set down to the credit of unfitness for manual labor, and require different degrees of *aid* from the government after *discharge* from the service; but the disability affords no adequate index to either the character or the extent of the service itself. A soldier who serves only *a day* may be disabled by disease or by injury to the degree of *total helplessness*, and be pensioned therefor at the *highest* rate; while the soldier who serves four successive *years* may be only slightly disabled by either disease or injury, and, consequently, be entitled to only the *lowest* pensionable rating.

Mere *service*, then, has naught to do with determining the merits of an invalid claim or with either the granting or regulating of invalid pensions. Invalid pensions, which are the foundation of the system, rest upon a wholly different consideration from that of service, and this fact must never be lost sight of in determining the purpose, as well as the extent, of the pension system. The idea of public *aid*, given because of injuries or of diseases, or of other causes of *disability*, should never be divorced from grants of pension. The two things have always been united. They are inseparable. Hence, when a service pension was first created by act of Congress, it rested upon this theory of aid. It was based not upon service alone, but also upon an *age-limit*, which was regarded as a proper ground for pension because closely associated with physical disability, and therefore deserving and needing public care.

If, however, the principle suggested by the fallacious paragraph I am considering were adopted, and "every man's honorable discharge from the military or naval service" should become his *only pension certificate*, our pension system would have to be recast. The change would eliminate all degrees of disability from the schedule of

ratings. It would abolish all existing classifications of pensioners. It would be equivalent, in fact, to the permanent maintenance, in time of peace, of an army of citizen soldiery entitled to well-nigh the same pay per month that was received by the beneficiaries *prior* to discharge from the service. In short, it would create, without discriminative conditions, an establishment that even a monarchical system, with all its restraining power, could not safely tolerate. Proof of *disease* or of *injury* incurred in the line of duty, and not merely an honorable discharge, is, therefore, the only true ground for an invalid pension certificate; and upon that ground rests every such certificate that the government has issued.

2. Again, the writer says that "a man's *dishonorable* discharge from the service in the war should under no circumstances *entitle* him to a place on the pension roll." In this statement I agree with the writer fully, and would add that, from the formation of the government until now, *no* man's "dishonorable discharge from the service in the war" was ever recognized by either a law of Congress or any departmental ruling as *entitling* him to "a place on the pension roll." No applicant's claim for pension was ever decided by any Commissioner of Pensions or by any Secretary of the Interior upon that basis. On the contrary, the records will show that every claim for invalid pension yet *granted* by the government was based, *not* upon the *character* of the soldier or upon the nature of his "*discharge* from the service in the war," but, rather, upon proof of the fact that a pensionable *disability* has been incurred by him in the service and line of duty. The great doctrine underlying this fact is vital to the pension system. It lies at the bottom of the law. To ignore it is to misapprehend at once the origin and the object of the system itself. The obligation of the government to bestow pensions for disabilities is not, nor can it be, affected by any offence which the soldier may have committed, or by any punishment which, in conformity with the articles of war, and in pursuance of the verdict of a court-martial, may have been inflicted upon him in the service. The offence and the punishment are legally related, and they go together. The pension follows the disability as a logical sequence. But punishment and pension cannot be lawfully confounded one with the other. This is the doctrine of invalid pension certificates, and I venture to suggest that the legislation upon which it is based can be neither understood, nor justified, nor equitably enforced upon any other principle. It is the unerring index to the real meaning of the whole thing, furnishing the key to every problem in every invalid pension claim. The only relation which a soldier's *discharge* from the service legally and properly sustains to his claim for *pension* is found in determining one fact which is prerequisite to pension itself—*viz.*, that he is *out of the service* at the date of filing his application. This fact must be established, inasmuch as no man can occupy a pensionable status while *in* the service. The fact of discharge being settled, the claim is thereupon adjudicated in the light of the evidence going to prove the *incurrence* of the alleged *disability* in the line of duty and the pensionable *degree* of said disability.

3. The policy of granting *service* pensions, not indiscriminately, but conditioned upon *age* or upon *indigency*, is clearly established. It has been applied to the veterans of the Revolution, to those of the war of 1812, and to the surviving soldiers of the war with Mexico. It remains to be applied to the veterans of the war for the Union. The time is evidently approaching when the benefits of that policy, based upon the same considerations as those which underlie the service pensions already provided for preceding wars, will be bestowed upon the surviving patriots who followed the national colors between 1861 and 1865. In fact, the precedents already created with reference to service pensions have become parts of our general pension system, and are right in policy and in principle. They will surely be maintained in future legislation, and, crowning the provisions already authorized for the care of invalid soldiers who served in the war for the Union, Congress will in good time enact a judicious statute conferring service pensions upon the survivors of that struggle. All patriots hope to see such a statute passed with the unanimous approval of the people's representatives, thereby completing the system of beneficence which our fathers made and which has grown up with the life of the Republic itself.

The system thus devised should be maintained. It is founded upon equality and justice. It is the offspring of the highest civilization. It is the glory of the nation, and the noblest product of statesmanship and of patriotism. GEORGE BABER.